

COMMONWEALTH OF MASSACHUSETTS                    DISTRICT COURT  
UNITED STATES DISTRICT COURT                    CIVIL ACTION NO.: 04 CV 10632 MEL

MARY B. SMITH,                                        )  
    )  
Plaintiff    )  
    )  
vs.    )  
    )  
DAVID C. NICHOLSON, TRUSTEE) )  
OF THE D.J.J. REALTY TRUST,    )  
DOMINIC M. SAWICKI,              )  
TRUSTEE OF THE DOMINIC M.    )  
SAWICKI NOMINEE TRUST,        )  
AND CAROL ANN WHITNEY        )  
AND GLENN WHITNEY,            )  
    )  
Defendants    )

**DEFENDANT, DAVID C. NICHOLSON, TRUSTEE OF THE D.J.J. REALTY TRUST,**  
**MOTION TO FILE REVISED/CORRECTED OPPOSITION TO PLAINTIFF'S**  
**MOTION TO COMPEL.**

The defendant D.J.J. Realty Trust, moves this court to permit it to file a revised/corrected opposition to plaintiff's motion to compel. As grounds for this motion, the defendant states that it misidentified David Nicholson as David Smith in the memorandum in support. A corrected memorandum in support is attached hereto and the defendant asks the court to accept this memorandum in place of the previously filed memorandum.

/s/ John F. Gleavy  
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John F. Gleavy, BBO 636 888  
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**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ John F. Gleavy

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John F. Gleavy

Dated: January 26, 2006